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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,737	09/26/2003	Jeyhan Karaoguz	14828US02	9453
23446 7590 08/23/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER LEMMMA, SAMSON B	
			ART UNIT 2132	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/672,737

Applicant(s)

KARAOGUZ ET AL.

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***DETAILED ACTION***

1. This office action is in reply to an amendment filed on May 25, 2007.

Claims 1-27 are **pending/examined**.

### ***Response to Arguments***

2. Applicant's remark/arguments filed on May 25, 2007 have been fully considered but they are not persuasive.

**Referring to the independent claims 1, 17 and 21,** Appellant first argued that the limitation recited as "a network device deployed in a home environment and communicatively coupled to the communications network via headend" is not disclosed by the reference on the record, namely Frezza.

#### **Examiner disagrees with the above argument.**

First of all, the examiner would point out that the "home environment" recited in the claim/abstract does not have a clear definition as to what it is. The only place it has been mentioned is on paragraph 0009 of applicant's submitted specification without a clear definition.

Therefore Examiner interpreted the "network device" as "service node", shown on figure 1, ref. Num 34 and since service node shown on figure 1, ref. Num 34 is connected to the either/both upstream and/or downstream channel shown on figure 1 this meets the limitation of "a network device deployed in a home environment."

Furthermore, as it has been disclosed on column 1, lines 19-column 39, the **headend is centralized access control system**, in between the "subscriber node" requesting the service and the "service node" providing service.

Therefore this meets the limitation recited as, "a network device deployed in a home environment and communicatively coupled to the communications network via headend."

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Examiner further would point out that Frezza on column 5, lines 13-16, discloses the following. "In a communication network such as a CATV system, **approximately 300 different nodes can communicate on each channel** at the same time using standard multiplexing (e.g. CSMA/CD) techniques." This implies the fact that both the upstream and downstream channel shown on figure 1 are communication networks because by definition a network is simply "a group of stations (computers, telephones, or other devices) connected by communications facilities for exchanging information."

**Secondly Appellant argued that the limitation recited** as "where the headend is adapted to determine whether a request to access the network device is authorized" is not disclosed on the reference on the record".

**Examiner disagrees with the above argument.**

Examiner would point out that contrary to the applicant's argument the "source node" is not the one interpreted as "network device" by the office, it is rather the "service node" which is shown on figure 1, ref. Num "34", which is interpreted as "network device." Therefore **Frezza, on column 1, lines 19-40 discloses the following which meets the argued limitation.**

*"A node originating a message (a source node), which can be located at any respective point in the CATV system, transmits a verification message, referred to as a frame verifier (FV) code, as part of an upstream message. **The headend** apparatus of the CATV system **examines the frame verifier code** and rebroadcasts the received upstream message in the downstream portion of the cable spectrum only if the frame verifier code indicates that the source node is an authorized user, thereby **granting** the user access to the CATV resources. Conversely, **the headend** apparatus does not rebroadcast the upstream message if the frame verifier code indicates that the source node **is not an authorized***

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**user, thereby denying the user meaningful access to the CATV resources. Thus, system access control is centralized at the headend."**

The rest of the argument presented by the applicant's is regarding the dependent claims and the above respond is applicable towards this argument as dependents claims stands and falls with the corresponding independent claims.

**Examiner** finally would show how each and every limitation of the independent claims, 1, 17 and 21 are disclosed by the reference/s on the record namely **Frezza**.

For instance, Referring to the independent claims 1, 17 and 21, Frezza **discloses a system for preventing unauthorized access to a network device, [column 1, lines 19-22) (A mechanism by which access to CATV communication resources is controlled so that unauthorized users are denied access and authorized users are granted access) comprising:**

- **A headend coupled to a communications network; and a network device deployed in a home environment and communicatively coupled to the communications network via the headend, wherein the headend is adapted to determine whether a request to access the network device is authorized.**[column 1, lines 25-40) (First of all the service node shown on figure 1, ref. Num "34" is met the limitation of the "network device". And since Frezza on column 5, lines 13-16, discloses the following. "In a communication network such as a CATV system, approximately 300 different nodes can communicate on each channel at the same time using standard multiplexing (e.g. CSMA/CD) techniques." This implies the fact that both the upstream and downstream channel shown on figure 1 are communication networks because by definition a network is simply "a group of stations (computers, telephones, or other devices) connected by communications facilities for exchanging information." Therefore this meets the limitation of a network device deployed in a home environment and communicatively coupled to the communications network via the headend. Furthermore

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*on column 1, lines 25-40 the following has been disclosed, and together with what has been stated above meets the limitation recited, "A headend coupled to a communications network; and a network device deployed in a home environment and communicatively coupled to the communications network via the headend, wherein the headend is adapted to determine whether a request to access the network device is authorized". "A node originating a message (a source node), which can be located at any respective point in the CATV system, transmits a verification message, referred to as a frame verifier (FV) code, as part of an upstream message. The headend apparatus of the CATV system examines the frame verifier code and rebroadcasts the received upstream message in the downstream portion of the cable spectrum only if the frame verifier code indicates that the source node is an authorized user, thereby granting the user access to the CATV resources. Conversely, the headend apparatus does not rebroadcast the upstream message if the frame verifier code indicates that the source node is not an authorized user, thereby denying the user meaningful access to the CATV resources. Thus, system access control is centralized at the headend".)*

Therefore the rejection is maintained until applicant amends at least the independent claims and successfully overcome the ground of rejection set forth in this office action.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 4-24 and 27** are rejected under 35 U.S.C. 102(b) as being anticipated by **Frezza** (hereinafter referred as **Frezza**) (U.S. Patent No. 4,638,356) (date of patent: 01/20/1987)

5. **As per independent claims 1, 17 and 21 Frezza discloses a system for preventing unauthorized access to a network device, [column 1, lines 19-22) (A mechanism by which access to CATV communication resources is controlled so that unauthorized users are denied access and authorized users are granted access) comprising:**

- **A headend coupled to a communications network; and a network device deployed in a home environment and communicatively coupled to the communications network via the headend, wherein the headend is adapted to determine whether a request to access the network device is authorized.**[column 1, lines 25-40) (*First of all the service node shown on figure 1, ref. Num "34" is met the limitation of the "network device". And since Frezza on column 5, lines 13-16, discloses the following. "In a communication network such as a CATV system, approximately 300 different nodes can communicate on each channel at the same time using standard multiplexing (e.g. CSMA/CD) techniques." This implies the fact that both the upstream and downstream channel shown on figure 1 are communication networks because by definition a network is simply "a group of stations (computers, telephones, or other devices) connected by communications facilities for exchanging information." Therefore this meets the limitation of a network device deployed in a home environment and communicatively coupled to the communications network via the headend. Furthermore on column 1, lines 25-40 the following has been disclosed, and together with what has been stated above meets the limitation recited, "A headend coupled to a communications*

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*network; and a network device deployed in a home environment and communicatively coupled to the communications network via the headend, wherein the headend is adapted to determine whether a request to access the network device is authorized". "A node originating a message (a source node), which can be located at any respective point in the CATV system, transmits a verification message, referred to as a frame verifier (FV) code, as part of an upstream message. **The headend apparatus of the CATV system examines the frame verifier code and rebroadcasts the received upstream message in the downstream portion of the cable spectrum only if the frame verifier code indicates that the source node is an authorized user, thereby granting the user access to the CATV resources. Conversely, the headend apparatus does not rebroadcast the upstream message if the frame verifier code indicates that the source node is not an authorized user, thereby denying the user meaningful access to the CATV resources. Thus, system access control is centralized at the headend".***)

6. **As per dependent claims 4-16, 18-20 and 22-24 and 27** Frezza discloses a system/method as applied to claims above. Furthermore, Frezza discloses the method wherein the headend is adapted to prevent unauthorized data from reaching the network device; wherein the data is received by the headend from the communications network; wherein the headend is adapted to determine whether a particular service provider, which is seeking access to the network device, is authorized to send data to the network device; wherein the headend is adapted to employ at least one of authentication techniques, encryption techniques and decryption techniques; wherein the headend is adapted to facilitate pushing a file residing in an authorized device to the network device or to a storage device coupled to the network device. [column 1, lines 19-40] (On column 1, lines 19-22, the following has been disclosed, "A mechanism by which

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*access to CATV communication resources is controlled so that unauthorized users are denied access and authorized users are granted access". Furthermore on column 1, lines, lines 25-40, the following has been disclosed. "A node originating a message (a source node), which can be located at any respective point in the CATV system, transmits a verification message, referred to as a frame verifier (FV) code, as part of an upstream message. The headend apparatus of the CATV system examines the frame verifier code and rebroadcasts the received upstream message in the downstream portion of the cable spectrum only if the frame verifier code indicates that the source node is an authorized user, thereby granting the user access to the CATV resources. Conversely, the headend apparatus does not rebroadcast the upstream message if the frame verifier code indicates that the source node is not an authorized user, thereby denying the user meaningful access to the CATV resources. Thus, system access control is centralized at the headend.")*

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. **Claims 2-3 and 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Frezza** (hereinafter referred as **Frezza**) (U.S. Patent No. 4,638,356) (date of patent: 01/20/1987) in view of **Safadi et al** (hereinafter referred as **Safadi**)(U.S. Publication No: 2003/0126608 A1) (filed on December 31, 2001)

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9. **As per claims 2-3 & 25-26** Frezza discloses a system for preventing unauthorized access to a network device, [column 1, lines 19-22) (*A mechanism by which access to CATV communication resources is controlled so that unauthorized users are denied access and authorized users are granted access*) comprising:

- **A headend coupled to a communications network; and a network device deployed in a home environment and communicatively coupled to the communications network via the headend, wherein the headend is adapted to determine whether a request to access the network device is authorized.** [column 1, lines 25-40) (*A node originating a message (a source node), which can be located at any respective point in the CATV system, transmits a verification message, referred to as a frame verifier (FV) code, as part of an upstream message. The headend apparatus of the CATV system examines the frame verifier code and rebroadcasts the received upstream message in the downstream portion of the cable spectrum only if the frame verifier code indicates that the source node is an authorized user, thereby granting the user access to the CATV resources. Conversely, the headend apparatus does not rebroadcast the upstream message if the frame verifier code indicates that the source node is not an authorized user, thereby denying the user meaningful access to the CATV resources. Thus, system access control is centralized at the headend.*)

**Frezza** does not explicitly teach that

- the headend is adapted to perform at least one of Internet protocol (IP) registration, identification registration and digital rights management.
- the headend is adapted to perform at least one of channel/program set up, channel/program management, anonymous proxy services, media caching, media storage, billing and tracking.

However, in the same field of endeavor, **Safadi discloses**

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- **the headend is adapted to perform at least one of Internet protocol (IP) registration, identification registration and digital rights management.** (figure 1, ref. Num 120, paragraph 0020, "DRM/digital rights management") *(Digital rights management (DRM) of the content may be provided by one of the system operator 40 or a content provider 52. DRM secures the sale of content and protects against illegal, unauthorized distribution and playback of content. DRM may also allow for copy control, including anti-copying features, conditional copy features, and generational copy-control features. DRM protects content owners, distributors, and retailers. Digital rights management may comprise encrypting of the streaming media content for secure delivery. Digital rights management may be enabled using extensible rights markup language (XrML). The FIGURE shows content provider 52 as having DRM capabilities for purposes of illustration only. Those skilled in the art will appreciate that there may be a multitude of content providers, each having a different DRM scheme.)*

**Safadi further discloses,**

- **the headend is adapted to perform at least one of channel/program set up, channel/program management, anonymous proxy services,** [figure 1, ref. Num "120" DRM PROXY DEVICE) **media caching, media storage, billing and tracking.** [paragraph 0018] *(The delivery of streaming media content may be tracked by the system operator 40. **Tracking of the delivery** of the streaming media content will facilitate billing and **billing verification** for the streaming media content delivery as well as other revenue generating opportunities. For example, a percentage of a fee for delivery of the streaming media content from a streaming media content provider (e.g., content providers 50, 52) may be paid to the system operator 40. The fee is enabled by referral information embedded in a uniform resource locator (URL) associated with the content.)*

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of the headend adapted to perform at

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least one of Internet protocol (IP) registration, identification registration and digital rights management and the features of the headend adapted to perform at least one of channel/program set up, channel/program management, anonymous proxy services, media caching, media storage, billing and tracking, as per teachings of **Safadi** into the method taught by **Frezza** for the purpose providing secure delivery of media content over the network [See **Safadi**; paragraph 0020]

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**

S.L.

**08/11/2007**

  
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